

**REVISED MOTION BY SUPERVISOR HILDA L. SOLIS
AND SUPERVISOR MARK RIDLEY-THOMAS**

October 27, 2015

Los Angeles County Response to Exide Environmental Disaster

The Exide battery recycling plant in Vernon operated for 33 years without a proper permit from the state environmental agency, the Department of Toxic Substances Control (DTSC). Toxic emissions from this facility, including lead, arsenic, benzene, 1,3-butadiene, and other poisonous chemicals, have impacted over 100,000 residents of Los Angeles County, including those living and working in the communities of Vernon, Maywood, South Gate, Cudahy, Huntington Park, Commerce, Boyle Heights, Bell, Montebello, and East Los Angeles.

These men, women and children will live the rest of their lives with a heightened risk of cancer, estimated in some cases to be as high 200 times the normal risk. Their homes and yards are contaminated with lead that continues to place them at risk every day. Children play soccer and ride bicycles and scooters in yards filled with lead-contaminated dirt. That dirt then gets tracked into their homes on their shoes. All around this community, I have encountered families with children who have developmental disabilities and cognitive impairments. Though some of these harms can never be mended, we must do everything we can to mitigate past and prevent future

- MORE -

MOTION

SOLIS _____

RIDLEY-THOMAS _____

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ANTONOVICH _____

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harm. These children and their families deserve to enjoy playing outside without putting their health at risk.

It is troubling that the DTSC, which has legal jurisdiction over environmental regulation and cleanup in California, allowed the facility to operate without permits for so long and has not moved with more urgency to rectify the situation despite urging from the County's Department of Public Health; the same is true for Exide and for other government agencies with the authority to force action. To date, only 44 of the 216 homes identified as contaminated have been cleaned inside and out. The DTSC admits that further testing is likely to identify between 5,000 and 10,000 more contaminated homes. The reality is that the more that the scale of the disaster is revealed, the more legal liability the responsible parties face.

The County's efforts to date have not catalyzed the urgent cleanup that these families need. Since 2013, the County has passed five motions and sent the Governor a 5-signature letter. The County, and the people that depend on it, cannot wait any longer.

The total price tag for cleanup and remediation could be as high as \$500 million dollars, and it is thus impossible for the County to undertake this task. However, acting as the public health agency for the region, the County is concerned with ensuring timely response to mitigate impacts to residents throughout the south-eastern portions of the County who are impacted. ~~But~~ There are actions the County can take now that will immediately help our residents and there is both a legal precedent and an expectation that such expenses will be reimbursed from the responsible polluting parties. While DTSC, Exide, and others must eventually take full responsibility for this environmental disaster, we cannot wait for that to happen before we move urgently to protect the health of these families.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

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1. Direct the Department of Public Health (DPH), in partnership with the Department of Health Services (DHS) and the Department of Mental Health (DMH), to undertake the following actions, and to retain any consultants and/or contractors necessary to complete these actions at a cost not to exceed \$2,000,000; given the exigency of the health needs in the community, such consultants and/or contractors may be contracted on a sole source basis:
 - a. ~~Facilitate~~ Coordinate the appropriate cleanup, to the satisfaction of the County Health Officer, both inside and outside of the house, of the remaining approximately 170 already identified homes by taking actions including, but not limited to, deploying DHS community health workers (promotoras) to conduct culturally and linguistically appropriate outreach and education to residents and to liaise between residents, DTSC, and Exide to facilitate comprehensive cleaning, leveraging the vouchers that have previously been distributed for the cleanup, including ensuring that these vouchers are sufficient to cover the full cost of appropriate cleanup.
 - b. Identify other contaminated areas by conducting a rapid assessment of potentially affected homes, businesses, and public properties within 45 days; use this data to evaluate the extent of the contamination around the Exide facility and assess population-level health impacts, and report back to this Board in 60 days with a description of the actions required for full cleanup, a timeline in which such actions could reasonably be expected to be completed, and a strategy for causing DTSC, Exide, and other responsible parties to fully fund and undertake this cleanup.
 - c. Launch a comprehensive health campaign to mitigate past and future harm to current and former residents affected by Exide contamination, and to report back to this Board in 45 days with a detailed evaluation of all

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activities completed and planned in accordance with this directive. This campaign should include:

- i. A bilingual, culturally responsive public information campaign to educate residents on exposure reduction practices.
- ii. Access to health screenings and services, as well as individual consultations with appropriate clinicians from the DHS, DMH and DPH.
- iii. The provision of relevant information, resources, technical assistance and coordination of services to area schools, clinics, and hospitals, as well as community and faith-based organizations.

2. Direct County Counsel to

- a. Present to this Board in one week's time with recommendations for a more aggressive legal strategy than henceforth taken by the County. County Counsel should consider potential legal action against all responsible parties, including, but not limited to, Exide and its responsible corporate officers as well as provide a strategy for transferring the responsibility for clean-up from the Department of Toxic Substances Control to a non-conflicted regulatory entity.

3. Direct CEO to:

- a. Identify \$2,000,000 in funding from the existing FY 2015-16 Adopted Budget to be made available for the above purposes.
- b. Identify all other available funding sources appropriate and available to use for hazardous waste cleanup and remediation and report back to the Board in 30 days at a Board Meeting.

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HLS:bp
MRT:rt

November 18, 2015

DEPT NO: 060

COUNTY OF LOS ANGELES

REQUEST FOR APPROPRIATION ADJUSTMENT

DEPARTMENT OF CHIEF EXECUTIVE OFFICER

AUDITOR-CONTROLLER:

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. PLEASE CONFIRM THE ACCOUNTING ENTRIES AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF EXECUTIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR**FY 2015-16****3 - VOTES****SOURCES****USES****PFU-VARIOUS**

A01-CB-2000-13749-13760

SERVICES & SUPPLIES

DECREASE APPROPRIATION**2,000,000****PUBLIC HEALTH - PUBLIC HEALTH PROGRAMS**

A01-PH-2000-23450

SERVICES & SUPPLIES

INCREASE APPROPRIATION**2,000,000****SOURCES TOTAL****2,000,000****USES TOTAL****2,000,000****JUSTIFICATION**

Reflects the one-time transfer of \$2.0M from the Provisional Financing Uses budget unit to the Department of Public Health for hazardous waste and cleanup remediation in response to the Exide environmental disaster, as approved by the Board of Supervisors on October 27, 2015.

ADOPTEDBOARD OF SUPERVISORS
COUNTY OF LOS ANGELES*Matthew McGloin*

AUTHORIZED SIGNATURE

MATTHEW MCGLOIN, SENIOR MANAGER, CEO

18**OCT 27 2015**

BOARD OF SUPERVISOR'S APPROVAL (AS REQUESTED/REVISED)

Patrick Ogawa

PATRICK OGAWA

ACTING EXECUTIVE OFFICERREFERRED TO THE CHIEF
EXECUTIVE OFFICER FOR---☐ ACTION☒ RECOMMENDATION

BY

DATE

London
Nov. 18, 2015☒ APPROVED AS REQUESTED☐ APPROVED AS REVISED

CHIEF EXECUTIVE OFFICER

BY

DATE

David Sufel
11-19-15

AUDITOR-CONTROLLER

B.A. NO. **048**